GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:4093
ANSWERED ON:19.12.2011
GUIDELINES TO PUBLIC SECTOR
Pandey Shri Ravindra Kumar

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the details of guidelines issued to the institutions in regard to conferring professional Labour Tribunal Award on the labourers working in all the public sectors;

(b) whether the prescribed guidelines are being followed by the public sector institutions;

(c) if not, the reasons therefor;

(d) the action taken against such public sector undertakings during the last three years and the current year; and

(e) the corrective steps taken by the Government for strict compliance to the said guidelines particularly for the welfare of workers in such institutions?

Answer

MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE)

(a): With a view to screen appeals filed against the Award of Tribunals, Ministry of Labour & Employment vide Memorandum dated 8th August, 1964 issued the procedure to all the Employing Ministries requesting to bring to the notice of all the undertakings under their control. The details of procedure is as follows:

(i) whenever a public sector undertaking desires to file an appeal from an award or judgment of a Labour Court/Tribunal, High Court, etc. it should first make a reference with the facts of the case, to the administrative Ministry concerned;

(ii) if the administrative Ministry, after consulting the Law Ministry, also feels that an appeal should be preferred it should consult the Labour Ministry, and

(iii) where the administrative Ministry and the Labour Ministry do not agree, the matter should be placed before the Economic Secretaries.

(b) to (d): The procedure of screening appeals circulated vide Memorandum dated 8.8.1964 is still in vogue and is being followed in respect of all types of disputes in which Award is given by the Tribunals. Whenever, PSUs file the writ petition against Tribunal awards without following screening procedure, this Ministry request office of CLC(C) to issue necessary directions to RLC(C) to engage Central Government Standing Counsel and raise the preliminary objections at the time of admission of the case.

(e): Time to time these instructions are issued to all the Ministries dealing Public Sector Undertakings reiterating the procedure. In order to assess the proper working of this procedure it was requested that all the Employing Ministries circulate this information to their Public Sector Undertakings under their control and adhere to this procedure strictly.